XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(14)

मामला क्रमांक Cr.M.P.No-561/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA,J.

APPLICANT Rambhagat, S/o. Sukhram, aged about-28 years, R/o. Bataikela, P.S. Kansabel, Tahsil Bagicha, Distt.-Jashpur (C.G.)

Vs.

NON-APPLICANT State of Chhattisgarh, through –S.H.O., P.S. Kartala, Korba

05-12-2007

Shri Saurabh Dangi, Advocate for the applicant.

Shri G.K. Beriwal, Dy. Adv. General for the State.

Heard on admission.

By this petition under Section 482 of the Cr.P.C., the applicant has impugned the order of learned Sessions Judge, Korba, passed in Cr. Revision No.44/2007, whereby the revision preferred by the applicant against the order of the learned Judicial Magistrate First Class, Korba rejecting his application for interim custody of cattle seized in connection with Criminal Case No.58/2007, has been rejected.

Learned counsel for the applicant submits that there is no dispute that the applicant is the owner of the cattle, which have been seized from the accused persons namely Chunnulal, Budhram & Sukh Singh. He further submits that the Investigating Agency is not taking proper care of his cattle which may adversely affect the health of cattle and the applicant may suffer loss in case the cattle died on account of cold or other problems.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

After going through the impugned orders passed by both the Courts below and considering the fact that the matter is under investigation and the application for interim custody was filed almost 25 days after the seizure of cattle, this Court is of the considered opinion that both the courts below have not committed any illegality, infirmity or jurisdictional error in passing the impugned orders, which warrant interference under Section 482 of the Cr.P.C.

In the result, the petition being devoid of substance is liable to be dismissed and it is hereby dismissed. However, the trial Court is directed to expedite the trial.

Sd/-
DHIRENDRA MISHRA
Judge

शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव —FS/59— 8/2007 —30,000.